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I. Introduction

1. The role of the Ad Hoc Working Group on Oceans and Seas and on the Sustainable Development of Small Island Developing States was to serve as a preparatory meeting for the seventh session of the Commission on Sustainable Development and to facilitate the Commission in achieving tangible, action-oriented results on the issues of oceans and seas and the sustainable development of small island developing States. As agreed by the Working Group, the meeting produced two papers on the issue of oceans and seas. These papers were prepared by the Co-Chairmen of the Working Group on the basis of the discussions held during the meeting and comments made and proposals submitted by the participants on the preliminary drafts, but were not formally negotiated. These papers are:

(a) The possible elements for a draft decision (sect. II.A below), which could serve as a starting point for further deliberations and negotiations during the seventh session of the Commission. It is expected that this paper will be further studied by delegations and groups in the period between the meeting of the Ad Hoc Working Group and the seventh session of the Commission with a view to formulating their positions in preparation for negotiations in the drafting groups during the seventh session;

(b) The Co-Chairmen's summary of discussions (sect. II.B below), which attempts to reflect the overall thrust of the discussion in the Working Group and the main positions stated by delegations, and to record, when necessary, alternative views and proposals. Written versions of several proposals made by delegations in the form in which they were presented are contained in the annex. This summary will not be further modified, and will be included as such in the report to the Commission as reference material on a given issue.

2. On the issue of the sustainable development of small island developing States, at the 7th meeting, on 5 March 1999, the Working Group agreed that the Co-Chairmen will continue to conduct informal consultations in preparation for the seventh session of the Commission on the basis of the work done during this meeting, and that they will issue a revised text of their proposal on the Commission's contribution at the twenty-second special session of the General Assembly on the basis of their original proposals, comments made during the meeting of the Working Group and subsequent proposals to be submitted by delegations.

II. Oceans and seas

A. Possible elements for a draft decision by the Commission on Sustainable Development at its seventh session

1. Introduction

3. The Working Group submits possible elements for a draft decision to the Commission on Sustainable Development at its seventh session, as set out below.

2. General considerations

4. The Commission could emphasize the fundamental fact that oceans and seas constitute the major part of the planet that supports life, drives the climate and hydrological cycle, and provides the vital resources to be used to eradicate poverty and to ensure food security, economic prosperity and well-being for present and future generations. The Commission could then reiterate the following general considerations:

(a) The United Nations Convention on the Law of the Sea[1] sets out the overall legal framework within which all activities in this field must be considered;

(b) Chapter 17 of Agenda 21[2] remains the fundamental programme of action for achieving sustainable development in respect to oceans and seas;

(c) The Programme for the Further Implementation of Agenda 21 (General Assembly resolution S-19/2, annex), adopted by the General Assembly at its nineteenth special session (especially its paragraph 36), identifies the needs for urgent action in respect to oceans and seas.

5. The Commission could stress that, as in other areas, action should be taken on the basis of the precautionary approach, the polluter-pays approach and the eco-system approach, and that, building on the outcome of the sixth session of the Commission, action should also take into account the best available scientific knowledge.

3. Major challenges at the national, regional and global levels

6. Following the 1998 International Year of the Ocean, the Commission could emphasize the importance of international cooperation, within the framework of the Convention and Agenda 21, in ensuring that biological diversity is conserved through integrated management, and that while respecting the sovereign rights and jurisdiction of coastal States, all States can benefit from the sustainable

use of the oceans and seas and their resources. The Commission could further emphasize the threats to these objectives from overexploitation of marine living resources and from pollution. In pursuing these goals, the Commission could recommend that particular priority be given to:

(a) The conservation, management and sustainable use of marine living resources;

(b) The prevention of pollution and degradation of the marine environment from land-based and other activities, including through the application of integrated coastal area management;

(c) The scientific understanding of the way in which the oceans and seas interact with the world climate system, particularly in comprehending and responding to such events as the El Niño phenomenon, and mitigating their impacts;

(d) Enhancing international cooperation in support of action at the national and regional levels in developing countries and those with economies in transition, including through the provision of financial and technical assistance and the transfer of environmentally sound technologies.

Capacity-building for action at the national level

7. In support of national action to implement the provisions of chapter 17 of Agenda 21, the Commission could invite the United Nations system and Governments, both in their bilateral relationships and in the multilateral development organizations in which they participate, to review their programmes to ensure that priority is given to building capacities relating to, *inter alia*, marine environment science, the administration of fisheries and shipping, the control of activities likely to pollute or degrade the marine environment, and cooperation and coordination with other States on marine environmental matters, as well as the ability to respond to natural disasters resulting from climatic variability, such as the El Niño phenomenon. It is also important that the agencies and programmes of the United Nations system and donors coordinate their actions.

Capacity-building for action at the regional level

8. The Commission could emphasize the importance of appropriate cooperation, within the relevant legal framework, for the protection and sustainable use of regional seas. In this context, it could support the need to strengthen the United Nations Environment Programme (UNEP) regional seas programme and to enhance cooperation with other regional seas organizations, in order to permit the sharing of experience, in line with the recent conclusions of the UNEP Governing Council at its twentieth session.

9. The Commission could further invite the United Nations system and Governments, both in their bilateral relationships and in the multilateral development organizations in which they participate, to review the priority given to building capacities needed to manage regional seas organizations, regional fisheries organizations and regional monitoring systems for climatic variability and other purposes, with the aim of ensuring that States can fulfil the commitments entered into in the framework of those organizations.

International agreements

10. The Commission could note that although significant progress has been made in developing global and regional agreements and programmes of action related to the protection and rational use of the seas, much more needs to be done to effectively implement these agreements and programmes. To promote this, the Commission could invite relevant intergovernmental bodies to review, in accordance with their respective mandates, the status of the implementation of international agreements and programmes of action in their areas of work as well as obstacles to more effective implementation, and could propose possible actions that could be taken to promote wider acceptance and implementation.

4. Areas of particular concern

Living marine resources

Sustainable fisheries

11. The Commission could recall the Food and Agriculture Organization of the United Nations (FAO) agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas of 24 November 1993, the United Nations agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks of 4 August 1995, and the FAO code of conduct for responsible fisheries of 31 October 1995, and could emphasize the vital role of these instruments in safeguarding fish stocks that are being fished above the sustainable level. The Commission could urge States, unless they have already done so, to sign and ratify, or adopt them, and to effectively implement or apply them.

12. The Commission could welcome the recent approval by the FAO Committee on Fisheries of the international plans of action:

(a) To reduce the incidental catch of seabirds in long-line fisheries;

(b) For the conservation and management of sharks;

(c) For the management of fishing capacity.

13. The Commission could then urge the early formal adoption of these international plans of action and their effective implementation. In the case of the international plan of action for the management of fishing capacity, the Commission could also note its importance in relation to highly industrialized fleets, and invite:

(a) FAO to develop accessible methods for the measure of fishing capacity;

(b) States to undertake the evaluation of subsidies, economic incentives and other factors, and the reduction and progressive elimination of those that contribute, directly or indirectly, to excessive fishing capacity, as foreseen in that plan.

14. The Commission could further emphasize the need to improve the sustainable use and management of living marine resources, especially through intergovernmental regional fisheries organizations, and the importance of these organizations applying the principles contained in the compliance agreement and the United Nations fish stocks agreement, the code of conduct for responsible fisheries and the FAO international plans of action. In doing so, these organizations could be urged to apply sound scientific knowledge of the fish stocks and to ensure the involvement of civil society, especially representatives of fishers. These organizations and national Governments could further be urged to implement FAO technical recommendations to minimize waste and discards and to improve monitoring and enforcement.

15. To support this, the Commission could invite regional fisheries organizations, including those operating under the aegis of FAO, to provide information on progress made and on problems faced in applying these principles and recommendations. Such information could be included in the reports of the Secretary-General to the General Assembly.

16. The Commission could urge FAO to give high priority to its work on combating illegal, unreported and unregulated fishing. The Commission could further invite the International Maritime Organization (IMO), in work to define the concept of "genuine link", as used in article 91 of the United Nations Convention on the Law of the Sea (Nationality of ships), to include, in consultation with FAO and the United Nations Secretariat, consideration of the implications of the concept in relation to fisheries.

17. The Commission could note the contribution that could be made by schemes to improving the information available to consumers of fish both on the sustainability of its harvesting and on the economics of the trade, including, in the case of fish caught in waters under the jurisdiction of developing countries and then exported, on the economic returns to those countries and the implications for their subsistence fisheries. The Commission could then recommend further consideration by Governments and relevant intergovernmental bodies of such schemes.

Other marine living resources

18. The Commission could endorse the International Coral Reef Initiative (ICRI) call to action, its renewed call to action, and its framework for action, and could urge implementation of complementary actions by States, intergovernmental organizations (in particular the Convention on Biological Diversity), non-governmental organizations and the private sector. The Commission could also ask the United Nations system to provide information on progress in implementing ICRI objectives at the conclusion of the period of the current framework for action in 2003.

19. The Commission could also invite Governments and regional seas organizations to consider the contribution that a global representative system of marine protected areas could make to the sustainable management of the oceans and seas, and could encourage them to continue the development of such a system by appropriate designations in their maritime areas within the framework of the Convention on the Law of the Sea and on a basis consistent with the programme of work under the Convention on Biological Diversity and its Jakarta Mandate.

Land-based activities

20. The Commission could express its grave concern at the slow rate of progress in many aspects of the implementation of the Global Programme of Action on the Protection of the Marine Environment from Land-based Activities (A/51/116, annex II). In this context, the Commission could welcome the recent decision of the UNEP Governing Council on the implementation of the Programme of Action, especially the call for the Executive Director of UNEP to expeditiously complete the establishment of the Hague coordination office. The Commission could emphasize the importance of this implementation for the prevention of the pollution and degradation of the marine environment.

21. In line with the 1995 Washington Declaration on Protection of the Marine Environment from Land-based

Activities (A/51/116, annex I, appendix II), the Commission could further emphasize the essential needs to:

(a) Cooperate to build capacities and mobilize resources for the development and implementation of national action programmes, in particular for developing countries and those with economies in transition;

(b) Urge national and international institutions and the private sector, bilateral donors and multilateral funding agencies to accord priority to projects within national and regional programmes to implement the Programme of Action and to encourage the Global Environment Facility (GEF) to support these projects;

(c) Establish a clearing house mechanism to provide decision makers in all States with direct access to relevant sources of information, practical experience and scientific and technical expertise, and to facilitate effective scientific, technical and financial cooperation as well as capacity-building.

22. The Commission could also stress:

(a) The benefits of preparing the necessary national and local plans within a framework of integrated coastal area management;

(b) The value of further work by relevant international organizations, in conjunction with relevant regional seas organizations, in promoting such management;

(c) The importance of supporting initiatives at the regional level to develop agreements, arrangements or plans of action on the protection of the marine environment from land-based activities.

23. The Commission could welcome the activities in progress under the aegis of UNEP on persistent organic pollutants (POPs).

24. The Commission could reiterate the appeal to the governing bodies of the relevant United Nations agencies and programmes to review their role and contribution to the implementation of the Programme of Action within their respective mandates, as recommended by the General Assembly in its resolution 51/189. The Commission could further invite those organizations to provide information on progress in this regard which could, *inter alia*, be included in the reports of the Secretary-General to the General Assembly.

25. The Commission could welcome the agreement by the recent UNEP Governing Council to explore the feasibility for UNEP to convene by 2000 a global conference to address sewage as a major land-based source of pollution affecting human and ecosystem health. In this context, the Commission could encourage the establishment of links between this conference and both the first intergovernmental review of the Programme of Action planned for 2001 and the ministerial conference on the sustainable management of freshwater to be held in the Netherlands in 2000.

Marine science

26. The Commission could emphasize that scientific understanding of the marine environment, including marine living resources, is fundamental to sound decision-making. Among other aspects of the global environment, this applies to the way in which the interaction between atmospheric and oceanic systems is changing as a result of climate change (for example, the experience with the 1997–1998 El Niño phenomenon). The Commission could therefore:

(a) Welcome the recently declared intention of IMO, serving as the administrative secretariat for the Joint Group of Experts on the Scientific Aspects of Marine Protection (GESAMP), and working in partnership with other participating organizations, to improve the effectiveness and inclusiveness of GESAMP, as recommended by the Commission in its decision 4/15, in which it called for a review of the Group's terms of reference, composition and methods of work, as a means of enhancing its status as a source of independent, scientific advice on oceans and coastal issues; the Commission could further recommend exploring the possibility of establishing means for GESAMP to interact with scientific representatives of Governments;

(b) Invite the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) to consider whether the support available for building scientific capacities needed for effective management of the marine environment in developing countries, particularly in the least developed countries, could be focused more effectively or extended; recalling its decision 6/3 concerning the need for enhanced science communication processes, the Commission could encourage a contribution from the forthcoming UNESCO World Science Congress on this question;

(c) Invite all intergovernmental agencies concerned with aspects of the oceans to consider whether their programmes of work make sufficient allowance for considerations of the potential impact of increased climate variability, and to review through the various coordination arrangements what more needs to be done to ensure adequate understanding of the implications of such matters as the El Niño phenomenon;

(d) Stress the value both of the collection of reliable oceanographic data through such systems as the Global

Ocean Observing System, and of periodic comprehensive scientific assessments of international waters, such as the Global International Waters Assessment, including assessments of the impact of physical and chemical changes on the health, distribution and productivity of living marine resources.

27. The Commission could note the impact throughout the world of the El Niño Southern Oscillation (ENSO), one of the clearest examples of a linkage between oceans and the atmosphere, and its social and economic consequences, particularly for developing countries. The Commission could welcome the intergovernmental expert meeting held at Guayaquil, Ecuador, in November 1998, the intergovernmental meeting to be held at Lima in September 1999 and the meeting on desertification and the El Niño phenomenon to be held at La Serena, Chile, in October 1999. The Commission could then:

(a) Request the United Nations Secretariat to gather information on all aspects of the impact of ENSO, through national reports on the implementation of Agenda 21, and to provide this information to the United Nations Inter-Agency Task Force on ENSO, in order to contribute to the development of the internationally concerted and comprehensive strategy towards the prevention, mitigation and rehabilitation of the damage caused by ENSO;

(b) Decide to consider the impacts of ENSO as part of its examination of the integrated planning and management of land resources at its eighth session;

(c) Register the importance of including the ENSO issue in the next quinquennial comprehensive review of Agenda 21, and request the Division for Sustainable Development to provide a comprehensive report on which decisions on including the ENSO issue could be based.

28. To improve the scientific knowledge of fish stocks, the Commission could invite regional fisheries organizations to consider strengthening catch surveiliance, using scientific peer review systems to improve the scientific quality of fish stock assessments, exchanging information on assessment techniques with each other and generally enhancing transparency. FAO could be invited to assist and support this process.

Other marine pollution

29. The Commission could recommend that:

(a) Since it is the responsibility of flag States to regulate their fleets and ensure the quality of their registers, flag States be encouraged to accede to or ratify and implement the relevant international instruments; the Commission could further encourage IMO to support this approach through the work of its Subcommittee on Flag State Implementation;

(b) The export of wastes and other matter for the purpose of dumping at sea be stopped; the Commission could further recommend that States be encouraged to become Parties to and implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972;[3]

(c) The international community be encouraged to cooperate fully in the various efforts, at the national, regional and global levels, for the prevention of the spread of harmful aquatic organisms through ships' ballast water;

(d) The programme for the development within the framework of IMO of controls on harmful anti-fouling paints used on ships be carried out in accordance with the timetable foreseen;

(e) The International Seabed Authority complete its proposals to protect the marine environment from the impact of seabed exploration and mining;

(f) States ratify annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) on the control of air pollution from shipping.[4]

30. The Commission, taking into account its decision 4/15, and welcoming the outcome of the international expert meeting on environmental practices in offshore oil and gas activities, sponsored by Brazil and the Netherlands and held at Noordwijk, the Netherlands, in 1997, could recommend that:

(a) The primary focus of action on the environmental aspects of offshore oil and gas operations continue to be at the national, subregional and regional levels;

(b) In support of such action, there is a need to share information on the development and application of satisfactory environmental management systems, aimed at achieving national, subregional and regional environmental goals;

(c) To promote the sharing of that information, to raise awareness and to provide early warning of potential new threats to the marine environment, further initiatives be undertaken, involving Governments, international organizations, operators and major groups.

5. International coordination and cooperation

31. The Commission could urge relevant institutions, whether national, regional or global, to enhance

collaboration with each other, taking into account their respective mandates, with a view to promoting coordinated approaches, avoiding duplication of effort, enhancing effective functioning of existing organizations, and ensuring better access to information and broadening its dissemination.

32. The Commission could also note that oceans and seas present a special case as regards the need for international coordination and cooperation. The Commission could therefore recommend that, building on existing arrangements, a more integrated approach is required to all legal, economic, social and environmental aspects of the oceans and seas, both at intergovernmental and inter-agency levels. To achieve this goal, the Commission could:

(a) Invite the Secretary-General to undertake measures aimed at ensuring more effective collaboration between relevant parts of the United Nations Secretariat in support of work on oceans and seas;

(b) Further invite the Secretary-General to complement his annual reports to the General Assembly with suggestions on initiatives that could be undertaken in order to improve coordination and achieve better integration, and to submit these reports well in advance of the debate in the Assembly;

(c) Invite the Secretary-General, working in cooperation with the executive heads of relevant organizations of the United Nations system, to undertake measures aimed at improving the effectiveness of the work of the ACC Subcommittee on Oceans and Coastal Areas, including through making the work of the Subcommittee more transparent and responsive to member States, for example by organizing regular briefings on the Subcommittee's activities;

(d) Recommend that the General Assembly, bearing in mind the importance of utilizing the existing framework to the maximum extent possible, give consideration to ways and means of enhancing the effectiveness of its annual debate on oceans and the law of the sea.

33. In the context of paragraph 30 (d) above, a number of proposals were made by delegations, which are contained in the annex.

B. Co-Chairmen's summary of discussions

1. Introduction

34. The debate on oceans and seas was based on the report of the Secretary-General on oceans and seas (E/CN.17/1999/4) in the context of chapter 17 of Agenda 21. The United Nations Convention on the Law of the Sea provided the overall legal framework, while Agenda 21 provided the policy framework of the discussions under this theme. The 1998 International Year of the Oceans helped to raise international awareness of the issues.

35. Many delegations pointed out that the seventh session of the Commission should build upon the results and goals so far achieved. It was noted that particular attention should be paid to Commission decision 4/15 and paragraph 36 of the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly at its nineteenth special session.

36. The main starting points of the discussions included the recognition of the right of countries to manage and exploit sustainably their marine resources and of the need to enhance their capacities in this regard, as well as of the need to conserve actively marine ecosystem functions, species and habitats. Many delegations noted that marine resources constitute a critical source of food security as well as the livelihood for many coastal and island developing States. Sustainable management of oceans and seas, as well as of adjacent coastal areas, has important economic and social implications, particularly related to the issue of poverty reduction.

37. Many delegations from developing and developed countries and countries with economies in transition shared information on their policies, strategies and activities in their countries in protecting and managing oceans and their living resources. Recent meetings that provided useful contributions or have direct relevance to the debate were mentioned, including an international expert meeting on environmental practices in offshore oil and gas activities, co-sponsored by Brazil and the Netherlands and held at Noordwijk, the Netherlands, in 1997; the Asia-Pacific Economic Cooperation oceans conference held in Hawaii in October 1998; an intergovernmental meeting of experts on El Niño held at Guayaquil, Ecuador, in November 1998; an international tropical marine ecosystems management symposium held at Townsville, Australia, in November 1998; a conference on cooperation for the development and protection of the coastal and marine environment in sub-Saharan Africa, sponsored by the Advisory Committee on Protection of the Sea, UNEP and the South African Government, held at Cape Town in December 1998; and the Second London Oceans Workshop, sponsored by Brazil and the United Kingdom in December 1998. Also mentioned were the work of the Independent World Commission on Oceans and the fourth session of the ongoing multilateral high-level consultations on highly migratory fish stocks

in the Central and Western Pacific, held in Hawaii in February 1999.

2. Major challenges at the national, regional and international levels

38. Main priority issues raised by the Working Group related to the following: (a) the conservation and management of marine living resources, including sustainable fisheries; (b) the prevention of the pollution and degradation of the marine environment from land-based activities; (c) the scientific understanding of the way in which the oceans and seas interact with the world climate system; and (d) enhancing international cooperation and coordination.

Capacity-building for action at the national and regional levels

39. Many delegations noted that capacity-building was central to all actions to deal with issues related to oceans and seas. They emphasized the need to build capacities at both the national and regional levels to deliver actions in an integrated and holistic manner. Improving scientific assessments of oceans was essential in this regard, building on the work and experience of scientists from all countries and relevant organizations.

40. Many delegations stressed the need for financial resources and technology transfer in achieving goals agreed in chapter 17 of Agenda 21.

41. Many delegations stressed the importance of taking practical steps at the regional level, and thus the need for enhancing regional collaboration on the marine environment, particularly through the UNEP regional seas programme and the corresponding agreements in other regions to integrate marine environment policies among States. The need to revitalize the regional seas programme was emphasized in this regard. A mention was also made that regional fisheries management organizations and regional seas environmental protection organizations should be called on to cooperate in the development of integrated fisheries management and environmental protection, conservation and management, based on an eco-system approach. Some delegations emphasized the creation or strengthening of networks at the regional level to exchange and disseminate scientific information related to oceans.

International agreements

42. Several delegations called for urgent ratification and full implementation of such international agreements as the United Nations Convention on the Law of the Sea, the United Nations fish stocks agreement and the FAO compliance agreement, the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its 1996 Protocol, and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). Also underlined was the importance of implementing the FAO international plans of action for the management of fishing capacity, shark fisheries, and incidental catch of seabirds in longline fisheries, and applying the FAO code of conduct for responsible fisheries. These were recommended to be fully taken into account in formulating and adopting national action plans.

3. Areas of concern

Marine living resources

43. Many delegations noted that different fishing patterns have different impacts on the world's regional fish stocks (examples given included commercial practices versus subsistence fishing in developing countries, and long distance fisheries versus coastal fisheries). The growing problem was mentioned, for example, of illegal, unreported and unregulated fishing, particularly by vessels, often flying flags of convenience, that encroach on the fisheries resources of coastal and island developing States as well as of the high seas. Many delegations identified the urgent need to eradicate such practices, which often lead to a significant loss of revenue and resources of those countries and affect small-scale subsistence fisheries. They called for the enhancement of the surveillance and control capacities of coastal and island developing States. Assistance was also needed for those countries to control distant fishing fleets operating under access agreements. The need for support for further work on the technical aspects of this issue was mentioned in this regard. Some delegations noted that illegal, unreported and unregulated fishing practices might be best dealt with in appropriate regional fisheries management bodies.

44. Many delegations mentioned the urgent need for measures and actions to reduce and eliminate wasteful fishing practices. In this regard, they called for the bringing into force and the implementation of the FAO compliance agreement and the international plans of action for the management of fishing capacity, shark fisheries, and incidental catch of seabirds in longline fisheries, adopted by the FAO Committee on Fisheries in February 1999, and intended to bring fishing capacity worldwide to an optimum level and to conserve and manage shark fisheries and seabird populations. In addition, some delegations urged the adoption of bycatch reduction plans at the national, regional

and global levels to minimize bycatch, and to the extent that bycatch cannot be avoided, to minimize bycatch mortality. Such plans should include restrictions on indiscriminate or harmful fishing gear and practices that contribute to elevated bycatch or marine habitat degradation.

45. Many delegations linked calls to reduce global fishing capacity with the evaluation of possible negative impact of subsidies, and the reduction and progressive elimination of subsidies and other economic and fiscal incentives that in their view directly or indirectly promote overcapitalization. Many other delegations felt that this was particularly applicable to industrialized fleets. A view was expressed, however, that in a situation where there is a system for licensing fishing vessels and the number of vessels is controlled, there were no grounds for the claim that subsidies constituted a cause of excessive fishing.

46. Some delegations touched on the need for consumers to be better informed, including through market incentives, such as eco-labelling of fish and fish products. Other delegations cautioned that in ongoing discussions regarding eco-labelling, potential negative impacts of these measures on market access should be properly taken into account. Other delegations suggested that this matter should be left to be dealt with at the national level. Many delegations stated that the concept of eco-labelling and related issues are still under consideration at the Committee on Trade and Environment of the World Trade Organization; in any case, such measures should not constitute barriers to trade. Some other delegations referred to the work of FAO in this respect.

47. Many delegations mentioned that many countries need assistance in sound scientific observation of their fish stocks. A suggestion was made for regional fisheries cooperation, in particular through regional scientific peer review of information on the state of fish stocks and catches.

Land-based activities

48. There was a general agreement that some progress has been achieved with the adoption of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities but that urgent attention was needed for its effective implementation at the regional and national levels. Some delegations stressed the importance of resuscitating UNEP's catalytic role in the development of a clearinghouse mechanism which would promote action at the national and regional levels.

49. Many delegations emphasized the lack of financial resources as the major obstacle in achieving the objectives of the Programme of Action. Unless assistance was provided, in particular to developing countries, it would be difficult for them to implement the Programme of Action.

50. Some delegations referred to the identification of steps to address sewage problems as among the most important challenges. Also noted was the necessary link between Commission work related to sewage aspects of freshwater and the Programme of Action.

Marine science and climate change

51. Several delegations referred to the El Niño/La Niña phenomena as having global repercussions. Long-term strategy to tackle these phenomena was needed, in particular to improve monitoring and prediction of climate variability, develop early warning systems at the regional levels, and build capacity at the regional and national levels in these areas, as well as in the prevention of natural disasters.

52. Several delegations noted that the recent El Niño phenomena had caused extensive damage to vulnerable populations in several countries, their natural resources and their livestock. In this connection, many delegations referred to a series of intergovernmental conferences on the 1997–1998 El Niño within the International Decade for Natural Disaster Reduction framework and in pursuance of General Assembly resolution 52/200, including the intergovernmental meeting of experts on El Niño held at Guayaquil, Ecuador, in November 1998. The objectives of these conferences were to improve the scientific understanding of and the ability to predict the environmental and societal impacts of the phenomena, and to define improved operational and institutional approaches to reducing damage from future occurrences.

53. Several countries indicated the need to improve scientific understanding of the role of oceans in modifying climatic extremes, such as El Niño, through an extended network of monitoring stations under the Global Ocean Observation System and other international programmes.

54. Some delegations noted that oceanographic observation was of growing importance in assessing the degree of climate change and other developments in the global environment. They called for the cooperation of the relevant authorities to advance such work.

Other marine pollution

55. Some delegations valued the contribution made by the Noordwijk expert meeting on environmental practices in offshore oil and gas activities, the holding of which was welcomed by the Commission at its fourth session.

56. A mention was made of the importance of reaching an early agreement in IMO on hazardous substances in anti-fouling paints and the spread of harmful aquatic organisms in ballast water, and in the International Seabed Authority on environmental standards for seabed prospecting and, eventually, for mining. Some delegations supported further consideration within IMO of ways to control air pollution from shipping and mandatory ship reporting systems.

57. Many delegations emphasized the importance of reaching early agreement, under the aegis of UNEP, on persistent organic pollutants.

58. Some delegations expressed continued support for improving the operation of GESAMP, while noting at the same time that regional approaches were most practical for improving access to sound scientific understanding. It was also noted that such an improved GESAMP should provide transparency, accountability and consultation.

Coral reefs and marine protected areas

59. Some delegations proposed the development of a global representative system of marine protected areas within and across national jurisdictions. A note of caution was voiced for applying the concept of marine protected areas on the high seas without any agreement on their sustainable use. It was recommended to focus on coastal areas and on encouraging every State concerned to exercise its national jurisdictions. It was also emphasized that further work in this area should be in line with the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly at its nineteenth special session.

60. Referring to the ICRI international tropical marine ecosystems management symposium held at Townsville, Australia, in November 1998, many delegations welcomed the renewed call to action by ICRI, and requested the Commission to reaffirm the importance of ICRI with a view to achieving its principal goals.

4. International coordination and cooperation

61. There was general agreement that coordination within and among Governments as well as among bodies within the United Nations system was vital and could be improved. The meeting welcomed the acknowledgment in paragraph 52 of the report of the Secretary-General on oceans and seas of the case for reviewing the working of the ACC Subcommittee on Oceans and Coastal Areas with a view to improving its effectiveness in coordination.

62. Some delegations drew attention to the need for greater synergy and better integration of oceans affairs within the United Nations system. It was mentioned that the annual debate on oceans and the law of the sea needs to be more transparent, more systematic, more responsive and better prepared. It was further mentioned that the Commission has a role to play in relation to oceans in preparing for the next review of the implementation of Agenda 21. The involvement of non-governmental actors was also underlined by some delegations.

63. Many delegations argued for the need for improved coordination at the intergovernmental level for achieving an holistic approach for global action on oceans. In this regard, some delegations mentioned specific proposals, some of which were presented in written form and are contained in the annex. Other proposals may emerge. Other delegations, however, cautioned against the establishment of a new institution before the problems and gaps in existing arrangements had been identified. They stressed instead the need for streamlining and reinforcing existing mechanisms.

64. Some delegations pointed out that further discussions would be needed to examine the purpose, format, timing, duration, frequency and reallocation of available funds, consistent with the relevant rules and regulations of the United Nations, when considering new organizational arrangements. Some other delegations pointed out that it is essential to identify problems in the existing international arrangements, and that if improved coordination is desirable in certain areas, attempts should first be made to make better use of the existing framework of relevant conventions and organizations.

III. Other matters

65. At the 6th meeting, on 5 March 1999, the Working Group considered the item and heard a briefing by the Director of the Division for Sustainable Development of the United Nations Secretariat.

IV. Adoption of the report

66. At the 7th meeting, on 5 March 1999, the Working Group had before it the draft report (E/CN.17/ISWG.II/1999/L.1), as well as a number of informal papers.

67. At the same meeting, the Working Group took note of the informal papers and adopted its report.

V. Organizational and other matters

A. Opening and duration of the session

68. The Inter-sessional Ad Hoc Working Group on Oceans and Seas and on the Sustainable Development of Small Island Developing States met in New York from 1 to 5 March 1999, in accordance with Economic and Social Council decision 1998/295 of 31 July 1998. The Working Group held 7 meetings (1st to 7th meetings).

69. The meeting was opened by the temporary Chairman, George Talbot (Guyana), Vice-Chairman of the Commission on Sustainable Development.

B. Attendance

70. The session was attended by representatives of 8 States members of the Commission on Sustainable Development. Observers for other States Members of the United Nations and for the European Community, representatives of organizations of the United Nations system and secretariats of treaty bodies, as well as observers for intergovernmental and non-governmental organizations, also attended.

C. Election of Officers

71. At the 1st meeting, on 1 March, the Working Group elected by acclamation John Ashe (Antigua and Barbuda) and Alan Simcock (United Kingdom of Great Britain and Northern Ireland) as Co-Chairmen.

D. Agenda and organization of work

72. At the same meeting, after statements by the Co-Chairman and the representatives of Mexico (on behalf of the Rio Group) and UNEP, the Working Group adopted its provisional agenda as contained in document E/CN.17/ISWG.II/1999/1, and approved its organization of work. The agenda read as follows:

1. Election of Officers.
2. Adoption of the agenda and other organizational matters.
3. Oceans and seas.
4. Sustainable development of small island developing States.
5. Other matters.
6. Adoption of the report of the Working Group.

E. Documentation

73. The Working Group had before it the following documents:

(a) Report of the Secretary-General on oceans and seas (E/CN.17/1999/4);

(b) Report of the Secretary-General on progress in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (E/CN.17/1999/6):

(i) Climate change and sea-level rise (E/CN.17/1999/6/Add.1);

(ii) Waste management in small island developing States (E/CN.17/1999/6/Add.2);

(iii) Freshwater in small island developing States (E/CN.17/1999/6/Add.3);

(iv) Land resources in small island developing States (E/CN.17/1999/6/Add.4);

(v) Biodiversity resources in small island developing States (E/CN.17/1999/6/Add.5);

(vi) National institutions and administrative capacity in small island developing States (E/CN.17/1999/6/Add.6);

(vii) Regional institutions and technical cooperation for the sustainable development of small island developing States (E/CN.17/1999/6/Add.7);

(viii) Science and technology in small island developing States (E/CN.17/1999/6/Add.8);

(ix) Human resource development in small island developing States (E/CN.17/1999/6/Add.9);

(x) Management of coastal and marine resources in small island developing States (E/CN.17/1999/6/Add.10 and Corr.1);

(xi) Sustainable tourism development in small island developing States (E/CN.17/1999/6/Add.11);

(xii) Sustainable development of energy resources in small island developing States (E/CN.17/1999/6/Add.12);

(xiii) Telecommunications development in small island developing States (E/CN.17/1999/6/Add.14);

(xiv) Sustainable development of air transport in small island developing States (E/CN.17/1999/6/Add.15);

(xv) Maritime transport in small island developing States (E/CN.17/1999/6/Add.16);

(c) Report of the Secretary-General entitled "Progress in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States: current donor activities" (E/CN.17/1999/7).

Notes

[1] United Nations publication, Sales No. E.83.V.5.

[2] See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93 I.8 and Corrigendum), resolution I, annex II.

[3] United Nations, *Treaty Series*, vol. 1046, No. 15749, p. 120.

[4] See Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships (United Nations, *Treaty Series*, vol. 1340, No. 22484), p. 263.

Annex

Proposals by delegations on ways and means of enhancing the effectiveness of the annual debate of the General Assembly on oceans and the law of the sea

1. Australia (on behalf of the Group of South Pacific Countries)*

The members of the Group of South Pacific Countries (SOPAC) have a strong interest in the ongoing survival of the oceans. We are "custodians" of a very substantial part of the world's oceans, and many of us are dependent on the oceans for our development and survival.

In 1992, Agenda 21 recognized the need for improved coordination to ensure that an integrated and multisectoral approach to marine issues is pursued at all levels and communicated to the General Assembly as the appropriate body to provide this leadership.

However, what takes place at present is inadequate for the needs of the international community. The annual item in the General Assembly is too brief and provides no real opportunity for dialogue. Neither can the responsibility for coordination be left to the five-year review of the Commission on Sustainable Development.

The Secretary-General's report to the Commission points to a growing consensus that action needs to be taken to improve international cooperation and coordination of oceans issues at the global level. The report also identifies the immense problems being faced in the oceans, especially overfishing and marine pollution, which need to be tackled if we are to have any security in the future.

The SOPAC countries believe that steps need to be taken to improve the General Assembly's ability to provide leadership and coordination in the management of the world's oceans. It is clear that the management of our oceans can no longer be left solely to separate regimes and sectors but must be considered in a comprehensive and integrated way, as required by the United Nations Convention on the Law of the Sea regime and Agenda 21.

SOPAC countries consider that a forum needs to be found to provide for a regular and in-depth overview of ocean affairs at the intergovernmental level.

Such a forum would need:

- To be **regular** and **open-ended** (it should meet either annually or biennially);
- To be **inclusive** (it should have the participation of all Governments and all applicable United Nations and regional bodies);
- A **broad mandate** to consider all oceans issues in an integrated way (and in a manner consistent with the United Nations Convention on the Law of the Sea);
- **Sufficient time** to carry out an effective review of activities (at least one week);
- To allow for **input from the wider international community** interested in oceans (such as NGOs, the private sector, local bodies and organizations);
- To be able to **influence the activities of relevant United Nations and regional bodies** (either through its own decisions or recommendations to the General Assembly).

* Federated States of Micronesia, Australia, Fiji, Marshall Islands, New Zealand, Papua New Guinea, Solomon Islands, Samoa and Vanuatu.

SOPAC countries consider that the Commission has a responsibility to address the issue of international cooperation and coordination, and to make recommendations on what concrete steps should be taken in this area.

2. Canada

High-level ocean symposium

The very nature of ocean management creates a special need for participatory dialogue on a wide range of cross-sectoral issues. We would expect that the 10-year review of the United Nations Conference on Environment and Development (UNCED) would pay particular attention to integrated oceans management issues. With this in mind, it may be useful for the Commission, in collaboration with the United Nations Convention on the Law of the Sea secretariat and other oceans-related bodies, to help organize a high-level ocean symposium in the period before the 2002 review.

The elements and particulars of such an ocean symposium could include:

- The symposium could consider overall coordination and collaboration at the international level, provide a gap analysis and possibly provide a reference for further development of an ongoing process, as required;
- Occur in New York, making best use of the United Nations calendar and possibly directly following or preceding other ocean meetings, such as the meeting of the States Parties to the United Nations Convention on the Law of the Sea;
- Such a symposium could be under the overall direction of a high-level steering group, chaired by a respected figure experienced in international oceans issues;
- The symposium should draw on the experience of a wide range of stakeholders, and should reflect the Commission's open, flexible and inclusive approach to non-governmental participation.

The overall goal of such a symposium would be to enhance dialogue and thus gain better understanding of integrated ocean management at the global level. Cross-sectoral dialogue could add to useful suggestions for making effective use of existing ocean bodies and/or organizations. An important objective would be to consider means of promoting international collaboration in a number of horizontal ocean management areas, such as policy development, capacity-building, scientific research, and information sharing related to ocean resources, health and processes. The results of the symposium should inform the 10-year review of UNCED to be held in 2002.

3. India

An area of concern that has increasingly come to the fore, given the extent of work in a variety of forums on different aspects of issues relating to oceans and seas, is the call for enhanced global coordination on issues relating to oceans and seas. Specifically, we have noted the range of suggestions highlighted in the report of the Secretary-General, including the call for a new forum on oceans, such as a standing committee of the General Assembly or the convening of a United Nations conference on ocean affairs, as proposed by the Independent World Commission on Oceans, or even the proposal to entrust the Trusteeship Council with such coordination. We would, however, caution against a proliferation of

forums and the creation of any new mechanisms or forums over and above the varied existing forums, where diverse aspects of issues arising from oceans and seas are already debated. It is our belief that the United Nations Convention on the Law of the Sea already provides a comprehensive legal framework for integrated treatment of issues relating to oceans and seas, as recognized in chapter 17 of Agenda 21. Nevertheless, to enhance coordination, particularly in intergovernmental debate and action, it may be useful to examine more closely the suggestion that we expand the consideration of this issue in the General Assembly. The General Assembly already undertakes an annual discussion of developments relating to oceans and seas. At present, this is only scheduled for a day, and we recognize that this may be insufficient to achieve the coordination that is necessary. It would be useful to examine in more detail how the General Assembly debate can be used more effectively to achieve an overview of issues relating to oceans and seas so that more coordinated and integrated action can be undertaken.

4. Malta

Establishment of a committee of the whole of the General Assembly on Oceans

The present state: lack of ocean governance

The preamble of the United Nations Convention on the Law of the Sea, the report of the Secretary-General on oceans and the report of the Independent World Commission on Oceans recognize that issues relating to the oceans are interrelated and thus need to be considered comprehensively. This calls for an integrated management approach for ocean use which takes into consideration both socio-economic needs and environmental concerns.

Furthermore, the rate of change in the development of ocean-related activities is confronting the international community with new challenges, and in this respect a holistic view is needed for the oceans so as not to further increase the degradation of the marine environment.

During the last decade, a number of new international instruments relating directly or indirectly to oceans have been adopted. Moreover, the issue of ocean governance is being discussed by a number of international organizations. These factors and other initiatives undertaken in this field highlight the need for coordination and an integrated approach which reflects a balance between different interests, as contained in the Convention.

The number of institutions interested in ocean affairs is wide-ranging and includes Governments, intergovernmental organizations, the private sector and civil society, including NGOs. Each of these is involved with its own interests and activities, and there is often a minimum of communication between these various sectors. Unfortunately, this current state of affairs does not reflect the unifying and comprehensive nature of the Convention on the Law of the Sea.

During the Second London Oceans Workshop, Simon Upton, Chair of the seventh session of the Commission, highlighted this situation and underscored the need to improve the existing structure of ocean governance. He stated that at present, the complexity of oceans arrangements at the regional and global levels is frightening, and that if a one-day debate in the General Assembly is not an adequate amount of time to devote to oceans issues, there is a need to examine other opportunities for States to bring the appropriate level of

expertise to bear on these issues and focus on the priorities of the various agencies within the United Nations framework.

A new forum on oceans

This lack of coordination calls for the United Nations to find a forum which would make possible wider participation and exchange of views on all ocean issues, especially since the time currently being allotted to discuss this issue during the General Assembly is limited. As stated by the Secretary-General of the International Seabed Authority during the fifty-third session of the General Assembly, the need for an additional forum is therefore self-evident.

Now that the legal framework provided by the Convention is in place, such a forum would allow for full participation and an exchange of views among all interest groups on all aspects of the oceans, and would provide States with an opportunity to further promote and ameliorate their efforts in the implementation of the Convention.

Along these lines, the Deputy Prime Minister of the United Kingdom of Great Britain and Northern Ireland, John Prescott, in the concluding remarks of his keynote address to the Second London Oceans Workshop, stated that we need a single global focus for integrating global action on the oceans. A major task for the Commission on Sustainable Development in 1999, and for us as we prepare for it, is to find some means to promote international integration.

The United Nations needs to respond in this manner and to deal with ocean issues in their totality. The relationship between economics, social issues, environmental problems and legal aspects should be brought to the forefront so as to achieve the sustainable development of oceans. As stated by Satya Nandan, Secretary-General of the International Seabed Authority, the challenge for the General Assembly is how to respond to the various initiatives to devise a global forum which reflects this integrated approach. This broad-based dialogue would be in line with chapter 17 of Agenda 21 and the conclusions of the report of the Independent World Commission on Oceans.

Proposal by the Government of Malta for the establishment of a committee of the whole of the General Assembly on ocean affairs

Guido de Marco, Deputy Prime Minister and Minister of Foreign Affairs of Malta, President of the forty-fifth session of the General Assembly and a member of the Independent World Commission on Oceans, in his address to the fifty-third session of the General Assembly during its general debate, stated that many feel that a forum is needed to consider the closely interrelated problems of ocean space as a whole, and that in this respect Malta suggests positive consideration of the suggestion that the Assembly institute a biennial committee of the whole to review ocean-related questions in an integrated manner.

The suggestion of a governance forum for ocean affairs arises from the fact that all ocean questions and activities are interrelated, and thus the machinery and process to deal with oceans should take into consideration all ocean aspects in an integrated manner and serve as a coordinating and multidisciplinary forum.

In contrast, at present the variety of activities related to the oceans is reflected in a number of United Nations bodies, including the International Maritime Organization, the Intergovernmental Oceanographic Commission, the United Nations Environment Programme (UNEP), and the Food and Agriculture Organization of the United Nations, all of which have a different mandate and are working on their own particular agenda, with little or no coordination among their activities related to oceans.

This situation calls for coordination in the sphere of the oceans. The issue is how to create a forum to provide an exchange of views and oversee the work of the various United Nations bodies and institutions so that it is more coordinated and thus avoids duplication of efforts and resources.

Such a forum, apart from promoting coordination among the various United Nations activities in the sphere of the oceans, would also help countries in the development of their national capacity for ocean management and in their implementation of universal conventions through an increased awareness on ocean affairs.

Aware that the legal framework provided by the Convention is already in place and that countries that have been enacting legislation regarding ocean affairs, a number of Member States feel that the international community should be discussing oceans in their totality by taking into consideration their environmental, social and economic aspects, together with legal ones. In this regard, the General Assembly should have the overall responsibility for dealing with oceans in a comprehensive manner, especially since other bodies advocate a sectoral approach.

The relationship between Conference of Parties to the Convention and a forum on oceans would be that while the Conference of Parties can take decisions and can amend the Convention, certain issues could be discussed in a less formal, non-juridical way and in their totality, including environmental and socio-economic aspects, by such a committee of the whole. This forum would be of a deliberative nature, and would not interfere with the Convention, which is the pertinent legal body.

There are indications of an emerging consensus that it is only through the General Assembly, due to its universal membership, that ocean affairs could be dealt with in a comprehensive, integrated and multisectoral manner, including the relationship between the United Nations Convention on the Law of the Sea and the ocean-related parts of the conventions emanating from the United Nations Conference on Environment and Development.

However, there is a realization, as expressed, among others, by the Chairman of the Commission, that the General Assembly, due to its full agenda, does not have the necessary time for the comprehensive and integrated consideration of ocean affairs.

In view of this problem, the Government of Malta is proposing to the fifty-fourth session of the General Assembly the establishment of a committee of the whole to deal with these issues in a comprehensive manner and on a regular basis, and to serve as a means of coordination on ocean affairs in the United Nations system.

The aim of such a forum would be that of identifying problematic areas which could subsequently be referred to and taken up by the General Assembly.

The rationale behind the establishment of a committee of the whole rather than to have some other type of forum is outlined below.

Universal participation by United Nations Member States

Universal participation of all United Nations Member States is of great importance since oceans and their management are of direct and indirect interest to all countries. Thus, while the Conference of Parties to the United Nations Convention on the Law of the Sea is not universal since not all countries have ratified the Convention, the proposed committee of the whole would be inclusive and provide an opportunity for all Member States to participate in an intergovernmental forum on ocean affairs.

A committee reporting to the General Assembly

This committee of the whole would report on coordination in ocean affairs directly to the General Assembly as the ultimate United Nations body, which is in a position to take decisions on ocean affairs in a comprehensive and effective manner. The committee, rather than being a decision-making body, is envisaged as having a deliberative nature, and would report to the Assembly on coordination and problematic areas.

Inclusion of United Nations bodies

This process should include the competent organizations of the United Nations system, regional commissions and the UNEP regional seas programmes coordinating units as observers. This participation would bring different perspectives and priorities together and thus enhance coordination between the various initiatives being taken on oceans.

Participation of civil society

Participation of civil society, including pertinent NGOs, is important for the comprehensiveness of this forum. While keeping in mind that decision-making will continue to be exercised by Governments, participation of civil society in the form of presentations would enrich the process by bringing to the committee the ideas and expertise of civil society in this field. In this regard, the approach adopted by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks for dealing with NGO participation could be taken up as a model for this forum. In the said Conference, NGOs presented group statements rather than individual statements so as to optimize the limited time available. As regards transparency, NGO representatives were present during the intergovernmental meetings as observers.

Meeting on a biennial basis

The committee of the whole would meet on a biennial basis outside the General Assembly period. Having the meeting scheduled in the United Nations calendar would limit the financial implications of these meetings. Moreover, if the meeting is held outside the General Assembly period, the work and deliberations of the committee could be conducted in a more comprehensive fashion, as required by the very nature of ocean issues. Due to the multifaceted nature of such a forum, servicing by the United Nations Secretariat could be carried out by the various departments according to the theme under consideration.

Possible elements of a draft resolution

In line with the established procedure, this proposal should be discussed by the Commission's ad hoc working group on oceans, and a resolution should be drafted by the Commission for adoption by the Economic and Social Council. The said resolution might include the following elements:

The Economic and Social Council,

Convinced that the closely interrelated matters of ocean space need to considered as a whole,

Further convinced that the United Nations Convention on the Law of the Sea continues to be the legal framework for the oceans,

Welcoming regional and functional endeavours within this framework,

Recognizing that only the General Assembly, with its universal membership and multisectoral competence, is capable of effectively dealing with the complex issues involved,

Noting an emerging consensus that the one-day debate at the General Assembly is not enough time for effective, comprehensive, integrated, multisectoral review of ocean issues,

Determined to follow up the International Year of the Ocean with a concrete contribution to the enhancement of ocean governance for sustainable development,

1. *Decides*:

(a) To establish a committee of the whole to follow developments relating to ocean affairs and the United Nations Convention on the Law of the Sea; to foster a coherent approach to the implementation of the global ocean regime established by the Convention, to encourage its ratification and effective implementation, to identify emerging issues and persistent problems which require international action that would be built upon the basis provided by the Convention, in its integration with other ocean-related conventions, agreements and programmes; and to take a more active part in anticipating areas of concern and devising strategies to address them effectively;

(b) That the committee, comprising all Member States of the United Nations, should be open to the participation of competent non-governmental organizations;

(c) That the committee should meet in regular sessions of two to three weeks every other year;

(d) That the work of the committee should be based on and should examine in depth the comprehensive report by the Secretary-General, which would be prepared, as heretofore, by the Division for Ocean Affairs and the Law of the Sea, the Commission on Sustainable Development and the other competent international organizations;

(e) That time should be set for hearings at which NGOs, the private sector and independent scientists could present their views to the committee;

2. *Invites* the General Assembly, at its fifty-fourth session, to give consideration to the establishment, as its subsidiary body, of a committee on oceans that would assist the Assembly in carrying out its functions related to oceans and the law of the sea. Such a committee could:

(a) Provide a forum for in-depth deliberations on developments related to ocean affairs and the Law of the Sea;

(b) Foster a coherent approach to the implementation of the global oceans regime established by the Convention and promote effective implementation of its provisions;

(c) Identify emerging issues and persistent problems that require international action that need to be brought to the attention of the Assembly;

(d) Promote an integrated approach to work under the Convention and other oceans-related international legal instruments, agreements and programmes of action;

3. *Recommends* in this context that such a committee meet for a period of two to three weeks every other year; that it have a thematic work programme that would allow the committee to focus its deliberations at a given session on a number

of specific issues to be determined by the Assembly; and that it report to the Assembly under the item "Oceans and the law of the sea" of the Assembly's agenda;

4. *Also recommends* that the committee be open to the participation of all Member States of the United Nations and of the specialized agencies of the United Nations system; and that it provide for effective participation of observers from the organizations of the United Nations system involved in activities related to oceans, as well as from accredited non-governmental organizations, as appropriate, including those representing the private sector and the academic community;

5. *Further recommends*, subject to the decision of the Assembly on its establishment, that the work of the committee be based on thematic analytical reports of the Secretary-General of the United Nations that would be prepared with the active involvement of all relevant parts of the United Nations Secretariat, and in close collaboration with relevant international organizations and agencies within and outside the United Nations system.

5. Mexico (on behalf of the Rio Group)

Institutional coordination in the area of oceans and seas

Background considerations

The Rio Group recognizes the problem of institutional coordination on issues pertaining to oceans and seas, and welcomes the opportunity to engage into a discussion on this important matter.

The Rio Group emphasizes that the seventh session of the Commission is the first opportunity for dealing with this issue at the intergovernmental and expert levels.

Since the problems of the oceans and seas are very sensitive, affect sustainability and have consequences in other areas, the Rio Group stresses that the analysis of the institutional coordination to be undertaken should be gradual.

The Rio Group is of the opinion that the discussion of the institutional coordination problem in oceans and seas should encompass the consideration of the different components of the problem, as well as of the pertinent actors involved in the question, including meetings of States Parties to the United Nations Convention on the Law of the Sea.

The Rio Group supports an open process of analysis that allows the presentation of further proposals and submission of ideas.

Whatever the outcome of this analysis might be, the solution should aim to use the bodies that already exist within the United Nations system.

Given the importance of this issue, it is clear that we should provide for enough time to reflect on the problem and the proposals submitted so far. Hence, the Rio Group proposes the scheme set out below.

Elements of consensus

The Rio Group identifies the following elements as a basis for consensus-building:

(a) There is a recognition of the need to strengthen coordination;

(b) There is a recognition of the importance of the review by the General Assembly of the overall developments relating to ocean affairs;

(c) This exercise should not lead to the creation of new bodies;

(d) The ways and means to strengthen the coordination should not require additional financial resources.

Proposal for a process

1. The consideration of this problem should begin at the seventh session of the Commission and should lead to substantive discussion at the fifty-fourth session of the General Assembly.

2. In order to prepare the discussions the following elements would be involved:

- At what level and to what extent do we have the problem(s) of coordination?
- An inventory of the bodies involved in the functions of coordination (who coordinates what and at what level?).

3. There should be a meeting at which full consideration is given to these issues and full stock can be taken from the comments, considerations and proposals made by Governments, agencies, intergovernmental organizations and NGOs. The meeting should be open-ended, secure full participation and be transparent.

6. United States of America

Proposal for an open-ended working group on oceans issues

There appears to be general agreement that it is important to improve and facilitate intergovernmental consideration of oceans issues at the United Nations. At the same time, it is important that this be done within existing resources, without creating new institutions, and by building on the General Assembly's existing mandate with respect to oceans and the law of the sea. Therefore, it is proposed to establish an open-ended working group of the General Assembly on oceans issues.

The proposal has the following elements and procedural aspects:

- The Commission would recommend to the Economic and Social Council, and the Council would recommend to the General Assembly that the Assembly establish an open-ended working group;
- The working group would be designed to improve intergovernmental cooperation on and coordination of oceans issues;
- The working group would review relevant issues and make recommendations to the General Assembly to be considered at its annual sessions under the oceans and law of the sea agenda item;
- The working group would also have the opportunity to review and comment on the annual report of the Secretary-General on oceans issues;
- The best time for the working group to meet would be in conjunction with the annual meeting of States Parties to the United Nations Convention on the Law of the Sea, which normally occurs in the spring;
- The costs of the open-ended working group would be met within the existing budget for the law of the sea and ocean affairs subprogramme;
- Adequate involvement of non-governmental actors would need to be ensured.